

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI, Appellant,)	No. ED92326
)	
)	Appeal from the Circuit Court
)	of St. Louis County
v.)	
)	
ALEXANDER T. KALK, Respondent.)	Filed: November 24, 2009

The State of Missouri (State) appeals the trial court's judgment granting defendant Alexander Kalk's Motion for Judgment of Acquittal following the jury's verdict of guilt on the charge that Defendant violated an order of protection.

AFFIRMED.

Division Four holds: An order of protection, described in Chapter 455, shall terminate upon the filing of a motion to terminate the order by the petitioner. Section 455.060.5, RSMo 2000. The evidence here shows that Wife dismissed the order of protection before Defendant's alleged violation of the order of protection occurred. Accordingly, the trial court properly granted Defendant's motion for judgment of acquittal. The State's appeal is denied.

Opinion by: Kurt S. Odenwald, P.J.
George W. Draper III, J., Concurs, and Roy L. Richter, J., Concurs in result.

Attorney for Appellant: April M. Porter

Attorneys for Respondent: Rosalynn Koch

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
